

Docket No. U 012500-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Montserrat MONSALVATJE LLAGOSTERA, et al.**
For: **PROCESS FOR OBTAINING QUINAPRIL HYDROCHLORIDE AND SOLVATES
USEFUL FOR THE ISOLATION AND PURIFICATION OF QUINAPRIL HYDROCHLORIDE**

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on November 29, 1999, as Application Serial No. 09/424,673 and was amended on _____ *(if applicable)*.
- (c) ☒ was described and claimed in International Application No. PCT/ES98/00145, filed on May 25, 1998 and as amended on _____ *(if any)*.

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 CFR 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the nonsigning inventor cannot be found or reached must accompany the declaration signed on behalf of the nonsigning inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the nonsigning inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 CFR 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." MPEP § 409.03(d). If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.



IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

SÒNIA VILELLA ÀRQUÉ

Name of person making statement

AVDA. MARE DE DÉU DE MONTSERRAT, 12

Address of person making statement

BARCELONA 08024, SPAIN



**EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND
OBTAIN INVENTOR'S SIGNATURE**

NOTE: In cases where priority is to be claimed, the reason(s) for any decision to delay the preparation for filing in the U.S. and obtaining the inventor's signature until the end of the convention year, such as (a) time to decide on commercial value, or (b) waiting to determine what art would be cited in corresponding prior filing, etc. should be indicated. MPEP § 409.03(d).

(use Supplemental Page(s), if necessary)



LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 CFR 1.47).

Full name of nonsigning inventor

Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known address of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. MPEP § 409.03(e).



DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION

NOTE: In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the statement. MPEP § 409.03(d).

On April 25, 2001 a new letter with a sending certification and a receipt certification was sent to Mr. Salvador Puig Torr s. This letter had the following enclosures:

- 1- All the assignment papers (including declaration of inventors, naming all the inventors) together with detailed filling instructions,
- 2- A complete copy of the US patent Application number 09/424.673 as it has been filed at the USPTO (including specification, abstract, claims and drawings)

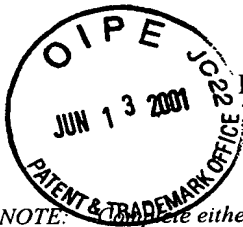
Mr. Salvador Puig Torr s received this letter personally on April 28, 2001, as it can be seen from the receipt certification that was signed by him.

As it can be read in the letter of April 25, 2001, he had express instructions of returning the Assignment papers signed addressed to me, at my current work address, that is:

Esteve Qu mica, S. A.,
Av. Mare de D u de Montserrat, 12
Barcelona 08024
SPAIN

Today 5th of June 2001, I have not received yet the assignment papers of the above-referred patent application signed, which it makes me believe that once again, Mr. Salvador Puig Torr s simply does not want to sign the assignment in behalf of Esteve Qu mica, S.A.

(use Supplemental Page(s), if necessary)



DETAILS OF REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS

NOTE: ~~Complete~~ either these facts or the facts as to *DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR*.

NOTE: The circumstances of this refusal must be specified by the person to whom the refusal was made and, before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the nonsigning inventor for signature. The time and place of an oral refusal should be stated, or a copy of the written refusal should be attached.

If it is the conduct as a whole of the nonsigning inventor that is the refusal, then all the facts upon which this conclusion is based should be stated and a copy of any documentary evidence supporting these facts should be attached.

Whenever the nonsigning inventor gives a reason for refusing to sign the application papers, that reason should be stated. MPEP § 409.03(d).

(use Supplemental Page(s), if necessary)



**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: ~~This section~~ must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 CFR 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 CFR 1.47(a)).

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. MPEP § 409.03(g).

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar that should identify the act of publication believed to constitute the bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted. MPEP § 409.03(g).

*(if this proof is not needed and not being presented,
then draw a line through this page of the form.)*

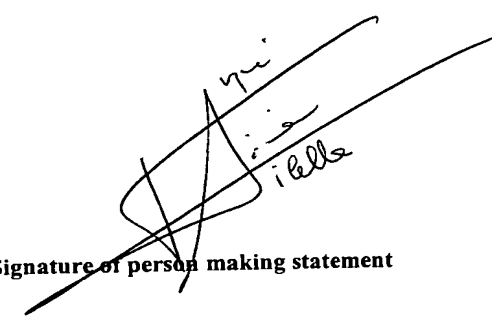
(use Supplemental Page(s), if necessary)



DECLARATION

I hereby declare that the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5th of June 2001


Signature of person making statement

☐ Plus _____ Added Page(s)



Applicant's Docket No. _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Serial No.:
Filed:
For:

Group No.:
Examiner:

**Assistant Commissioner for Patents
Washington, D.C. 20231**

**STATEMENT OF ACCURACY OF A TRANSLATION
37 CFR 1.52(d), 37 CFR 1.55(a) AND 37 CFR 1.69)**

I, the below named translator, hereby state that:

My name and post office address are as stated below;

That I am knowledgeable in the English language and in the language of the

☐ attached document &
☒ below identified document

and I believe the attached English translation to be a true and complete translation of this document.

(identify attached or previously filed document)

The document for which the attached English translation is being submitted is

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

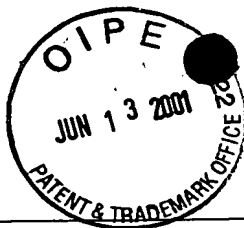
☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 6/11/01

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Janet Cord
Signature
JANET CORD
(type or print name of person certifying)



(check and complete, if applicable)

[] This foreign language document was filed in the PTO on _____.

/ Date: 23 April 2001

/ Full name of the translator M. Guirao Davis

/ Signature of the translator [Handwritten Signature]

/ Post Office Address 28470 Cercedilla (Madrid)



A/A D. Salvador Puig
Av. Icària, 149, 2º 1ª
Barcelona 08005

Barcelona, 25 April 2001

Ref.: Quinapril

Dear Salvador:

After having sent you five times the documents to be signed without receiving reply, we once again send said documents and would be grateful if you signed and returned them.

- 1.- **Assignment of Invention-Multiple Inventors**:- Write your full name in capital letters where the cross is.
- 2.- **Second page of the Assignment of Invention-Multiple Inventors**:- Sign at the cross.
- 3.- **Added Page to Combined Declaration and Power of Attorney for Signature by Fourth and Subsequent Inventors**: Sign at the cross.
- 4.- **Copy of the U.S. Patent application N° 09/424.673** deposited in the United States Patents and Trademarks Office. As you can see, enclosed is a copy of the description and the drawings and claims of said patent application.

All of these documents are for applying for a Patent to the United States.

After signing the documents you can proceed in two ways: either telephone us at 93.254.40.00 and we will send a courier to collect them; or send them by ordinary mail to the Headquarters of Esteve Química, Av. Verge de Montserrat 12, Barcelona 08024, to my attention.

Many thanks in advance.

Sincerely,

Sonia Vilella
Department of Industrial Property

Sv



EQ
ESTEVE QUÍMICA, S.A.

Atn. Sr. Salvador Puig

Av. Icària, 149, 2on 1^a

Barcelona 08005

Barcelona, 25 d'abril de 2001

Ref.: Quinapril

Apreciat Salvador:

Després d'haver-li enviat cinc vegades els documents a signar i no haver rebut resposta, li tornem a enviar els mateixos i li agrairíem que ens els tornés signats.

- 1.- **Assingment of Invention-Multiple Inventors**:- On hi ha la creu ha d'escriure el seu nom complet amb majúscules.
- 2.- **Segona plana del Assingment of Invention-Multiple Inventors**:- ha de signar a la creu.
- 3.- **Added Page to Combined Declaration and Power of Attorney for Signature by Fourth and Subsequent Inventors** : A on hi ha la creu també ha de signar.
- 4.- **Copia de la Sol·licitud de patent US N° 09/424.673** dipositada davant l'Oficina de Patents i Marques d'Estats Units. Com podrà apreciar, li adjuntem còpia de la memòria descriptiva, dibuixos i reivindicacions d'aquesta sol·licitud de patent.

Tots aquests documents són per demanar la patent als EEUU.

Si us plau, un cop signats els documents pot fer dues coses: o bé trucar-nos (93.254.40.00) i enviaré un missatger per recollir-los o bé enviar-los per correu ordinari a la Central d'Esteve Química, a Av. Verge de Montserrat 12, Barcelona 08024, a la meua atenció.

Moltes gràcies per avançat.

Atentament

Sònia Vilella

Departament de Propietat Industrial.